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Insurance Coverage in an Environmental Case: Focus On Claims Handling



This paper provides an overview of claims under standard insurance policies in the context of energy, natural resources, and environmental litigation. It will first examine a common exclusion often applicable to such claims, the pollution exclusion, and particularly its exception that provides "time element" pollution coverage.

The paper also will address key issues in handling underlying claims and coordinating with insurance companies in the defense and settlement of claims. These issues include when to notify and tender a claim to the insurance company, how to handle an insurance company's reservation of rights, the difference between the duty to defend and the duty to indemnify, and who controls the defense and settlement of the underlying claim.

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## **Authors**

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